HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.10970 of 2007

DATED: 24.5.2007

Between:

M/s M.Y. Agro Tech, Nizamabad.

… Petitioner

and

The District Collector, Nizamabad, and others.

… Respondents

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.10970 of 2007

ORDER:

The petitioner is dealing in the business of manufacturing and selling of seeds in the market, in the name and style of M/s M.Y. Agro Tech, Nizamabad District.

Proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') were initiated against the petitioner and first respondent passed orders on 15.05.2007 in Case No. CS6/375/07, whereby he confiscated the stock seized earlier. Questioning the said order, the petitioner filed an Appeal before the learned Vacation Judge (District Judge), Nizamabad. The petitioner claims to have sought for a direction to release the confiscated stocks, pending the appeal.

This writ petition is filed by the petitioner with a grievance that the Vacation Judge is not taking up the interim application though a request was made in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Agriculture.

In view of the fact that the main appeal filed against the order of confiscation is pending, I am not inclined to go into the merits of the case. However, if the confiscated stocks are sold pending the appeal, the appeal itself would be rendered infructuous. Therefore, having regard to the aforementioned facts, I deem it appropriate to direct the respondents not to sell the goods confiscated under the order of first respondent dated 15.05.2007, till the disposal of the appeal. Since any delay in disposal of the appeal may lead to confiscated goods being getting damaged, the learned vacation Judge is directed to dispose of the appeal within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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C.V. NAGARJUNA REDDY.J

Date: 24.5.2007

NOTE:
(1): Mark a copy of this order to the
Vacation Judge (District Judge), Nizamabad.
(2) CC in two days.
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